

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. KENTRAYE DAVAIL BARNES

Docket No. 4:12-CR-74-1D

Petition for Action on Supervised Release

COMES NOW Taron N. Seburn, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Kentraye Davail Barnes, who, upon an earlier plea of guilty to Possession of a Firearm by a Felon, in violation of 18 U.S.C. §§ 922(g) and 924, was sentenced by the Honorable James C. Dever III, Chief U.S. District Judge, on June 18, 2013, to the custody of the Bureau of Prisons for a term of 27 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Kentraye Davail Barnes was released from custody on July 24, 2015, at which time the term of supervised release commenced.

On November 23, 2015, a Violation Report was filed with the court advising that on October 20, 2015, the defendant was charged with No Operators License, Littering, and Failure to Heed Light and Siren (15CR057834). The defendant ultimately entered a Prayer for Judgment, and the case was disposed of on March 3, 2016. The court agreed to continue supervision.

On January 26, 2016, a Violation Report was filed advising that the defendant committed the offenses of Possession with Intent to Sell and Deliver Cocaine, Delivery of Cocaine, Sell Cocaine (16CR50350), Manufacture, Sell, Deliver, Possess Controlled Substance Within 1000 feet of a Park (16CR50351), Possession with Intent to Sell and Deliver Cocaine, and Sell and Deliver Cocaine (16CR50354). The court agreed to continue supervision, pending disposition of this case.

On May 26, 2016, a Motion For Revocation/Warrant Request was filed referencing the above criminal conduct in addition to the defendant's January 20, 2016, charge of Possession with Intent to Sell and Deliver Cocaine (16CR50490), and May 20, 2016, charge for Possession of a Firearm by a Felon (16CR053697). A Revocation Hearing for the above violations was held on July 13, 2016, at which time the court found that the government did not meet the burden of proof. Consequently, the court dismissed the petition as to all violations, and it was ordered that the supervised release term be continued.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS: On August 8, 2016, the defendant tested positive for cocaine, which was confirmed by laboratory analysis on August 13, 2016. He was verbally reprimanded for his drug use and counseled about his actions. The defendant is currently enrolled in the Surprise Urinalysis program and has been referred to East Coast Counseling for a substance abuse assessment. As a sanction for this violation, we are respectfully recommending that the defendant serve two (2) days incarceration in the Bureau of Prisons and that he participate in the DROPS Program. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.

KENTRAYE DAVAIL BARNES

Docket No. 4:12-CR-74-1D

Petition For Action

Page 2

2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Dwayne K. Benfield

Dwayne K. Benfield
Supervising U.S. Probation Officer

/s/ Taron N. Seburn

Taron N. Seburn
U.S. Probation Officer
201 South Evans Street, Rm 214
Greenville, NC 27858-1137
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Executed On: October 20, 2016

ORDER OF THE COURT

Considered and ordered this 21 day of October, 2016, and ordered filed and made a part of the records in the above case.

James C. Dever III
James C. Dever III
Chief U.S. District Judge